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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,705	06/27/2003	Martin W. Masters	2003P08280US	9635

7590 06/29/2005

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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT PAPER NUMBER

2646

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,705

Applicant(s)

MASTERS, MARTIN

Examiner

Phylesha L. Dabney

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/4/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the application filed on 27 June 2003 in which claims 1-7 are pending.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings presented in figures 1-6 are too dark to be useful. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claim 2 is objected to because of the following informalities: between lines 1 and 2, the terms "on the" is repeated twice. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2646

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Narisawa (U.S. Patent No. 5,347,584).

Regarding claim 1, Narisawa teaches a hearing instrument, comprising: a housing (21), the housing comprising an opening (22) for an electronics module and an inside surface; and an electronics module (23-30), for insertion into the opening of the hearing instrument housing, comprising: upper and lower surfaces (fig. 4); a peripheral surface (edge of module comprising 23-30), between the upper and lower surfaces, conforming to the opening in the housing; a door (27) and hinge (26); and a tab (25a, 25b) in the vicinity of the hinge, protruding outwardly from the module with respect to the peripheral surface.

Regarding claim 2, Narisawa teaches the tab (25a, 25b) is located on the lower surface of the module and comprises an upper surface parallel to and adjacent the inner surface of the housing when the module is seated in the opening of the housing.

Regarding claim 3, Narisawa teaches a module for insertion into an opening in a hearing instrument housing, where the housing (21) comprises an inside surface, comprising: upper and lower surfaces (fig. 4); a peripheral surface (edge of module comprising 23-30), between the upper and lower surfaces, conforming to the opening in the housing; a door (27) and hinge (26); and a tab (25a, 25b) in the vicinity of the hinge, protruding outwardly from the module with respect to the peripheral surface.

Regarding claim 4, Narisawa teaches the tab (25a, 25b) is located on the lower surface of the module and comprises an upper surface parallel to and adjacent the inner surface of the housing when the module is seated in the opening of the housing.

Regarding claim 5, Narisawa teaches the upper surface of the tab opposes the inside

Art Unit: 2646

surface of the hearing instrument housing (25a, 25b, fig. 7).

Regarding claims 6-7, see the rejection of claim 1-5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 26, 2005


PLD


SINH TRAN
SUPERVISORY PATENT EXAMINER